

Carlisle Planning Board
Minutes
January 13, 1969

Present were: H. Hosmer D. Spaulding
F. Smith T. Herndon

A preliminary plan for a subdivision containing 21 lots was submitted by Mr. Peter Maio, of Carlisle. This land, known as the Philbrick place, lies at the easterly end and to the north of East St. The Board had no particular comments, and tentatively arranged to walk the property with Mr. Maio on Jan 19, at 2:00 p.m., weather permitting. Mr. Maio was also given application forms to fill out, and told that the sixty day interval during which the Board had to act on the preliminary plan would start upon receipt of said formal applications.

The Board then went over its report to the Town, as drafted by Hosmer and Herndon, making several revisions in the content and wording. Mr. Spaulding wondered if the Board's work regarding the retention of riding and walking rights over those ways to be possibly discontinued should be mentioned in the report. After some discussion, it was thought that perhaps the discontinuance matter was currently too poorly defined to permit a one or two sentence discussion of it in the report. Also, the two revisions to the Town By-Laws, which will be submitted as warrant articles, were discussed and approved. The first was an amendment to Article IV Section 12, to permit acceptance of an 18 foot wide pavement width, and the second was a change in the wording of Article VI Section 5, to clarify the matter of requiring frontage on at least one way. The Board's report and By-Law amendments are attached separately to following these minutes.

The Board then discussed the abandonment of ways matter. Mr. Spaulding had investigated the question of ways and means by which a town could abandon a road and still retain horseback riding and walking rights for its citizens over that road. He reported that so far as he could find out, there was no legal means by which a Town could accomplish this. The question of whether a town's discontinuance of a way as a town way would necessarily mean that it would no longer be a public way was raised, and Mr. Hosmer thought that such a situation could exist, but did not know what the particulars of the law might be in such a matter. Mr. Herndon felt that Town Counsel should probably be consulted in this regard, as the resolution of this question could have considerable effect on the abandonment procedure. Mr. Smith noted that many abutters along such a way might well be very unhappy if they were to loose their public rights on said way, as this could mean that they would become landlocked should an abutter on down the road deny access across his portion of the road. Mr. Spaulding noted that the Town could well be sued for damages under such conditions. Mr. Hosmer agreed, but felt that such suits would be less costly to the Town than the construction of roads were these ways to remain Town Ways. Mr. Hosmer added another consideration as to why the Town should seriously consider abandonment of such ways, by noting that were a private person to be injured while trying to travel along one of these nearly impassable roads, he could bring suit against the Town for damages. It was generally agreed that abandonment was a very complex subject, and a good deal of work would need to be done to carry it off properly.

Mr. Herndon reported briefly on the status of current subdivisions by noting that the Ogden subdivision on North Road had been released upon

receipt of a bank book for an amount specified by Mr. Perley as being sufficient to complete the road. The Connelly subdivision had 8 lots released upon receipt of a bond. The Nielsen subdivision on East St is essentially complete and the Board has a letter from Mr. Nielsen to the effect that he will finish loaming and seeding in the Spring. The DeBonis subdivision road is paved and Mr. DeBonis requested that the Board release lots 11, 12, 13 and 14. The Board agreed to do so upon the receipt of sufficient money or bond to cover the remaining work on the road in front of those lots.

Mr. Herndon then reported on his findings concerning cost of aerial photographs. According to Mr. Warronoff of Aerial Photos of New England there is a \$200. fixed cost for one vertical picture, below approx. 7000 feet altitude. There is an additional \$10. charge for each 1000 foot increase ~~in altitude~~. Then each additional "flight line" picture would cost \$15., while other "spot pictures" in the locality but not in the "flight line" would cost 25. to \$40. each. If the Board wanted a picture of the entire town, it was recommended that a high altitude shot be taken, encompassing the whole area. This would cost approx. \$600.. Any pictures which the company might already have of Carlisle would involve a \$20. negative use fee plus \$5. for ~~the~~ first 9x9 print and \$3. for each additional 9x9 print. Larger prints would cost \$5. per square foot. The Board discussed the matter, and wondered just how much detail would be contained in one high altitude picture. It was decided to see if a representative of an aerial photo company would attend a Board meeting and bring pictures to illustrate the resolution that might be expected at various heights.

The status of the Post Office was discussed. Mr. Herndon noted that the P.O. Department is still pursuing "active negotiations" with Mr. Ryan, but no definite commitments have yet been made. Also, it was noted that most of the questionnaires for the "701" funds applications have been received from department heads, and hopefully the rest would be returned within the week so that they could be returned to the state.

Mr. Macone's redrawing of the By-Pass plans were viewed, and the Board felt them to be quite good. It was noted that houses lying near the proposed junction of the by pass arms with existing roads should be shown, in order to make certain that it could be demonstrated that no home would be in the way of the roads. Also, it was suggested that Church St. and School St. be shown somewhat more completely to provide a better reference when viewing the plan.

The meeting was then adjourned and the Board went into Executive Session. Mr. Herndon broached the subject of Town Caucus, and suggested that the Planning Board should nominate Mr. Hosmer, if he so desired. The Board agreed unanimously. The question of whether the Board should endorse, through caucus nomination, another candidate was discussed and it was agreed that it should not, particularly since there seemed to be enough interest in the Board to assure nomination of several candidates for the positions. Mr. Herndon then read a letter from Mr. Evans in which Mr. Evans noted what he felt to be an error in the minutes for Dec. 11. Specifically, he felt that he had asked Mr. Smith if he would accept the role of Chairman for a year and that he replied in the negative rather than the other way around as the advance copy of the minutes state. Further, Mr Evans asked that the record show that discussion as to his role as a possible candidate was limited to the chair for the balance of the 1968-1969 term, and that he did not indicate that he would not be a candidate for a future term. The members discussed the events of that meeting, and a revised set of minutes is appended.

Terry O. Herndon

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such paths. Mr. Hosmer said that he did not know of any standard legal means of accomplishing this, since abandonment meant that the property reverted, to the center of the way, back to the abutters on each side of the road, and that they had every right to prohibit trespassing if they desired. After some discussion of the situation, the Board asked Mr. Spaulding to see if he could find out anything about similar cases, in towns such as Lincoln, and what they were able to do about them, if anything.

The meeting adjourned and the Board went into Executive Session. Mr. Hosmer notified the Board that he was resigning as Chairman as of this date. He felt that the press of other affairs had made it impossible for him to fulfill all of the functions of Chairman, particularly that of moving the Board along on those new directions which should be taken. Also, he noted that since he was up for election, and had decided to run, he felt that it would be preferable to run as a member and not as Chairman. He then proposed that Mr. Herndon be seriously considered as Chairman, along with Mr. Evans. Mr. Hosmer then formally nominated Mr. Evans, and Mr. Smith nominated Mr. Herndon. Mr. Evans noted that he had become excessively busy in his profession, and had previously informed the Clerk that he could not serve as the Board's representative to the group which the Selectmen desired to have study Town road improvement. Mr. Evans asked Mr. Smith if he would possibly consider being chairman, and Mr. Smith replied that it would be out of the question for him to consider being chairman, as he was also exceedingly busy in his many capacities. Mr. Smith then asked Mr. Evans to consider taking the chair for a one year period, after which Mr. Herndon or another of the members could take on the job. After some discussion, Mr. Evans felt that he could not accept the nomination, due to his heavy professional commitment. The question of the Clerk's job, were Mr. Herndon elected, was discussed but action was deferred. Mr. Herndon was elected chairman by a vote of five affirmative and one abstention.

Respectfully submitted,

Terry O. Herndon

REPORT OF THE PLANNING BOARD

A major portion of the Board's energies were devoted to the considerable subdivision activity that was experienced during 1968. Three regular subdivisions containing a total of forty five lots were approved, plus eleven lots in three "small subdivisions". There were thirty one lots approved which were not in subdivisions, bringing the total to eighty seven new house lots in town, of which fifteen were "Porkchop" lots. To complete the statistics, Ember Lane, Page Brook Road, Indian Hill Road and the continuation of East Riding Drive were accepted by the Town as Town Ways.

The Board has completed the proposed revision of its Rules and Regulations governing the subdivision of land in Carlisle. A number of changes were tentatively adopted, mainly of an engineering nature. Those modifications of general interest include: an increase in the subdivision fee to offset the additional costs to the Town incurred by the Board's consultant engineer; the requirement that all new subdivisions must have underground wiring; requiring "hot top" surfacing of all new subdivision roads. It has also been proposed that the By-Laws be amended to permit the Town to accept an eighteen foot wide road, if approved by the Planning Board. It is hoped that such changes will improve the quality of subdivision construction, while maintaining the rural aspect of the Town. A public hearing on these proposed revisions will be held in the near future.

Additional activities included a Public Hearing on "Roads in Carlisle", which the Board held to learn what the Town's opinion on such matters as road width might be. We have begun work toward revision of the "Benjamin Report", issued in 1960, by making application for Federal assistance to fund this project. These sixty five percent matching funds should be available within a year.

Finally, the By-Pass project is well advanced, and a full proposal will be presented to the Town in the Spring of 1969.

Respectfully submitted

Terry O. Herndon	Chairman
Charles M. Evans	
Henry B. Hosmer	
Joseph F. Macone	
Robert W. McAllister	
Farnham W. Smith	
David B. Spaulding	

Article 21. To see if the Town will vote to amend Section 12 of Article IV of the Town ByLaws by deleting said Section 12 of Article IV and inserting a new Section 12 reading as follows:

"No road shall be accepted by the Town unless,

- (1) it has a right of way of at least 40 feet
- (2) it has been constructed in accordance with the Rules and regulations of the Planning Board, and
- (3) it has a paved roadway width of at least 24 feet or, if approved by the Planning Board, of 18 feet",

or take any other action relative thereto.

Article 22. To see if the Town will vote to amend Section 5 of Article VI of the Town By-Laws by deleting Paragraph A of Section 5 and inserting a new Paragraph A reading as follows:

"A. Each lot laid out as the site of a dwelling shall have, if in a General Residence A District, a lot area of at least one acre and a frontage on one street of at least 150 feet or, if in a General Residence B District, a lot area of at least two acres and a frontage on one street of at least 250 feet. No building shall be erected on a lot and used as a dwelling unless said lot conforms to these area and frontage requirements or is expressly exempted therefrom by statute",

or take any other action relative thereto.



Town of Carlisle

MASSACHUSETTS 01741

Office of PLANNING BOARD

Planning Board

Notice of Public Hearing

Notice is hereby given that the Planning Board will hold a Public Hearing in Room 18 of the Wilkins School on February 18, 1969 at 8:00 p.m. with respect to the following proposed amendments to Articles IV and VI of the Town By-Laws and to the Subdivision Regulations of the Planning Board:

Proposed Amendment to Article IV (Streets, Sidewalks and Public Places)

Article IV of the By-Laws of the Town of Carlisle is hereby amended by striking out Section 12 and inserting in place thereof the following Section 12:

- Section 12. "No road shall be accepted by the Town unless,
- (1) it has a right of way of at least 40 feet
 - (2) it has been constructed in accordance with the Rules and Regulations of the Planning Board, and
 - (3) it has a paved roadway width of at least 24 feet or, if approved by the Planning Board, of 18 feet."

Proposed Amendment to Article VI (Zoning)

Article VI of the By-Laws of the Town of Carlisle is hereby amended by striking out Section 5A and inserting in place thereof the following Section 5A:

- Section 5. A. "Each lot laid out as the site of a dwelling shall have, if in a General Residence A District, a lot area of at least one acre and a frontage on one street of at least 150 feet or, if in General Residence B District, a lot area of at least two acres and a frontage on one street of at least 250 feet. No building shall be erected on a lot and used as a dwelling unless said lot conforms to these area and frontage requirements or is expressly exempted therefrom by statute."

Proposed Amendments to the Subdivision Regulations

A number of detailed amendments to the Subdivision Regulations of the Carlisle Planning Board are proposed. A copy of the proposed amended Rules and Regulations is on file with the Town Clerk and may be examined at the Selectmen's Office in advance of the hearing. Additional copies will be made available at the hearing.

By order of the
Carlisle Planning Board
Terry O. Herndon, Chairman